

(H. B. 578)

(No. 65-2021)

(Approved December 23, 2021)

AN ACT

To amend Sections 1.02, 1.11, and 2.07 of Act No. 20-2017, as amended, known as the “The Puerto Rico Department of Public Safety Act”; amend Sections 2.02, 3.05, 6.03, and 6.23 of Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act,” in order to authorize persons who are eighteen (18) years of age or older to enlist in the Puerto Rico Police Bureau, increase the maximum age for enlistment, ensure that new Bureau members have, at least, an associate degree that they may complete within three (3) years from being sworn in as a cadet; allow the Agents of the Police Bureau who are younger than twenty-one (21) years to be eligible to apply for a firearms license; and for other related purposes.

STATEMENT OF MOTIVES

The public safety of all who reside and visit the archipelago of Puerto Rico is a priority of the Government of Puerto Rico. This is one of the primary functions of the “state’s police power,” the reason why civilized peoples organize democratic governments and one of the main goals to achieve on the road to a better quality of life for all of our citizens.

In the case of Puerto Rico, “the first line of defense” in the search for collective safety is the Puerto Rico Police Bureau. As originally envisioned, the Police Bureau is currently composed of men and women over the age of twenty-one (21) who are engaged in the protection of “life and property” throughout all corners of our Island, to wit, its beaches, cities, towns, and the countryside. The age requirement was established under Regulation 9050, in effect since November 21, 2018, and approved pursuant to Section 2.07 of Act No. 20-2017, as amended.

It is common knowledge, however, that the Puerto Rico Police, as a law enforcement body, must be improved, modernized, and transformed into a premier agency for the benefit of all citizens. In fact, the need to transform the Puerto Rico Police is so pressing that the main political parties included it in their platforms during the 2020 general election. See: “Proyecto de País para la Segunda Transformación de Puerto Rico,” Popular Democratic Party 2020, page 161; and “Puerto Rico Promete 2020,” New Progressive Party, 2020, pages 135-137.

It is for such reason that the Governor, the Speaker of the House of Representatives, and the President of the Senate of Puerto Rico held talks in order to approve legislation to address administrative aspects of the Police Bureau that are in urgent need of change and not controversial, regardless of the general dissatisfaction felt towards the Puerto Rico Department of Public Safety, which shall be addressed in subsequent legislation. See: “Cuajan proyecto para poder entrenar policías desde los 18 años,” by Maricarmen Rivera Sánchez, El Vocero newspaper, February 25, 2021, online.

In light of the foregoing, it is necessary to amend the statutes in effect to enable the members of the Puerto Rico Police Bureau to discharge their functions from the age of eighteen (18) while they work towards meeting the requirement of having completed an associate degree, at a minimum, in order to make our premier law enforcement body more flexible and efficient as well as to increase its professionalism. Likewise, we deem it essential to increase the Police Bureau's maximum age of enlistment to forty-six (46) and the maximum age of reenlistment to fifty (50) in light of the Island's social and demographic changes as well as the changes in workforce productivity and longevity. These changes shall also help us achieve the recruitment goals established for the upcoming years.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Section 1.02 of Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act,” is hereby amended to read as follows:

“Section 1.02.- Definitions.

For purposes of this Act, the following terms shall have the meanings set forth below, unless the context clearly states otherwise:

(a) ...

...

(f) “Police” - Means a public official of the Police Bureau who is duly trained to perform the duties of a law enforcement officer in accordance with the Regulations of the Police Bureau. It only includes the personnel performing duties directly related to criminal investigations, maintenance of public order, and the protection of the citizen’s life and property in accordance with the Police Bureau Regulations. As of July 1, 2021, a police officer shall have a period of three (3) years from having been sworn in as a cadet to complete an Associate Degree or an equivalent degree from a university duly accredited at the state and federal level. Any officer who fails to comply with this requirement within the established period shall be separated from service.

(g) ...”

Section 2.- Section 1.11 of Act No. 20-2017, as amended, known as the “Puerto Rico Department of Public Safety Act,” as amended, is hereby amended to read as follows:

“Section 1.11.- Public Safety Training and Development Center; General Provisions.

The Public Safety Training and Development Center is hereby created, which shall be under the supervision of the Secretary, and have the following functions:

(a) ...

(m) To maximize activity in the Academies' facilities, and through partnerships, seek to obtain the highest performance of educational centers. It is hereby explicitly empowered, authorized, and directed to ensure that the Academy of the Police Bureau is able to offer and continue offering courses leading to associate degrees, grant such degrees, and hold graduations in accordance with the rules and procedures of the Middle States Association and/or any other accrediting entity recognized as such in the United States of America. Likewise, the University of Puerto Rico, private universities, and any other entities duly accredited to grant associate degrees are hereby empowered and authorized to offer and grant associate degrees in public safety, either individually or through the formation of consortia or partnerships, to students who enlist in the Police Academy.

(n) ..."

Section 3.- Section 2.07 of Act No. 20-2017, as amended, known as the "Puerto Rico Department of Public Safety Act," as amended, is hereby amended to read as follows:

"Section 2.07.- Members of the Police Bureau; Enlistment and Reenlistment.

The Secretary shall prescribe by regulations the enlistment and reenlistment requirements of every member of the Police Bureau and shall be empowered to address such issues. However, such regulations shall establish that any person age (18) and older who is a U.S. citizen, or a legal alien authorized to work pursuant to the applicable legislation, may apply to enlist as a cadet in the Police Bureau provided they meet all other enlistment requirements established by the PRPB

Regulations in effect. It shall further provide that, two (2) years from their enlistment in the PRPB, police officers shall be required to submit proof of the progress made towards meeting the academic requirement. The maximum age for enlistment in the Police Bureau shall be forty-six (46) years and the maximum age for reenlistment shall be fifty (50) years.

All of the members of the Puerto Rico Police Bureau who enlist as of July 1, 2021, shall have a period of three (3) years from having been sworn in as a cadet to complete an associate degree or an equivalent degree from a university duly accredited at the state and federal level. Any member who fails to comply with this requirement within the established period shall be separated from service.”

Section 4.- Section 2.02 of Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act,” is hereby amended to read as follows:

“Section 2.02.- Firearms License.

(a) The Firearms Licensing Office shall issue firearms licenses to an applicant who meets the following requirements:

- (1) Be twenty-one (21) years of age.
- (2) ...
- (9) ...

The foregoing notwithstanding, any person who has been sworn in as a member of the Police Bureau may be issued a firearms license without having attained the age of twenty-one (21), provided he is eighteen (18) years old or older and submits documentation attesting that he is a member of such Bureau.”

Section 5.- Section 3.05 of Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act,” is hereby amended to read as follows:

“Section 3.05.- Use of Shooting Ranges by Persons Without a Firearms License.

Any person older than twenty-one (21) years of age...

The foregoing notwithstanding, any person who is eighteen (18) years of age or older who submits documentation attesting that he is a member of the Puerto Rico Police Bureau shall be allowed to enter and use any shooting range.

Section 6.- Section 6.03 of Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act,” is hereby amended to read as follows:

“Section 6.03.- Prohibition on Selling Firearms to Unlicensed Persons.

No dealer or person holding a valid firearms license shall deliver a firearm to...

This offense shall not apply when a dealer rents a firearm or sells ammunition, within a shooting range, to a person who is eighteen (18) years of age and a member of the Puerto Rico Police Bureau or twenty-one (21) years of age, contingent upon the circumstances, who holds and shows a government-issued photo I.D. as provided in Section 3.05 of this Act.”

Section 7.- Section 6.23 of Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act,” is hereby amended to read as follows:

“Section 6.23.- Sale of Ammunition to Unlicensed Persons.

No person shall sell, gift, assign, or transfer ammunition to persons who do not present a valid firearms or firearms dealer license, or show proof of being a law enforcement officer.

...

This offense shall not apply when a dealer rents a firearm or sells ammunition, in a shooting range, to a person who is eighteen (18) years of age and a member of the Puerto Rico Police Bureau or twenty-one (21) years of age, contingent upon the circumstances, who holds and shows a government-issued photo I.D., as provided in Section 3.05 of this Act, for the purpose of using them in said shooting range.”

Section 8.- Rulemaking Authority and Order.

The Secretary of the Puerto Rico Department of Public Safety and the Commissioner of the Puerto Rico Police Bureau are hereby empowered and directed to promulgate rules, regulations, norms and take administrative actions as are necessary and convenient to implement this Act.

Section 9.- Severability Clause.

If any clause, paragraph, article, section, or part of this Act were held to be void or unconstitutional by a competent court, the holding to such effect shall not affect, impair, or invalidate the remainder of this Act. The effect of said holding shall be limited to the clause, paragraph, article, section, or part of this Act thus held to be void or unconstitutional.

Section 10.-Effectiveness.

This Act shall take effect upon its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 65-2021 (H. B. 578)** of the **2nd Regular Session** of the **19th Legislative Assembly of Puerto Rico**:

AN ACT amend Sections 1.02, 1.11, and 2.07 of Act No. 20-2017, as amended, known as the “The Puerto Rico Department of Public Safety Act”; amend Sections 2.02, 3.05, 6.03, and 6.23 of Act No. 168-2019, as amended, known as the “Puerto Rico Weapons Act,” in order to authorize persons who are eighteen (18) years of age or older to enlist in the Puerto Rico Police Bureau, increase the maximum age for enlistment, ensure that new Bureau members have, at least, an associate degree that they may complete within three (3) years from being sworn in as a cadet; allow the Agents of the Police Bureau who are younger than twenty-one (21) years to be eligible to apply for a firearms license; and for other related purposes.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on this 29th day of April, 2022.

Mónica Freire-Florit, Esq.
Director